

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL MILLER,	:	
Plaintiff,	:	
	:	
v.	:	No. 5:24-cv-05338
	:	
COUNTY OF LANCASTER,	:	
TAMMY BENDER,	:	
JACQUELINE PFURSICH,	:	
JOSHUA PARSONS, RAY D'AGOSTINO,	:	
and CHRISTA MILLER,	:	
Defendants.	:	

ORDER

AND NOW, this 7th day of March, 2025, upon consideration of Defendants' Motion to Dismiss, filed November 20, 2024, ECF No. 17; Plaintiff's Judicial Conduct Complaint, received February 13, 2025; and Plaintiff's Motion to Require Findings of Fact and Conclusions of Law in Disposition of Rule 12 Motions, filed February 24, 2025, ECF No. 34; **IT IS HEREBY ORDERED THAT:**

1. The Motion, ECF No. 17, is **GRANTED in part and DENIED in part without prejudice**. The motion is granted as to all federal claims, and they are dismissed as follows. The motion is denied without prejudice as to the state law claims (VII and VIII).
 - i. Count V and VI of the Amended Complaint, ECF No. 4, are **DISMISSED** for lack of subject matter jurisdiction and **DISMISSED with prejudice** for failure to state a claim.
 - ii. Count X of the Amended Complaint is **DISMISSED without prejudice**, as untimely.
 - iii. Counts I, IX, and XI are **DISMISSED without prejudice**, for failure to state a claim.
 - iv. Counts II, III, IV, and XII are **DISMISSED with prejudice**, for failure to state a claim.
 - v. **No later than April 4, 2025**, Plaintiff may file a second amended complaint as to Counts I, VII, VIII, IX, X, and XI, only. Plaintiff is advised that his second amended complaint must be a complete document in itself and may not rely on any other pleading. If Plaintiff fails to timely file an amended complaint, Counts I, IX, X, and

XI will be dismissed with prejudice and supplemental jurisdiction as to Counts VII and VIII will be denied.

2. Plaintiff's Judicial Conduct Complaint and Motion to Require Findings of Fact and Conclusions of Law in Disposition of Rule 12 Motions are **DISMISSED as moot**.¹

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Judge

¹ The bases for these motions is inconvenience caused by delay; both motions request the same relief: that the Court issue a ruling on Defendants "Rule 12 motions" as soon as practicable. The Order and Opinion issued this date satisfy this request and eliminate the need to resolve these motions on their own.